

Senate File 244 - Introduced

SENATE FILE 244
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1011)

(COMPANION TO HF 360 BY
COMMITTEE ON JUDICIARY)

A BILL FOR

1 An Act relating to the calculation of certain court costs
2 in probate matters, and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 633.31, Code 2021, is amended to read as
2 follows:

3 **633.31 Calendar — fees court costs in probate.**

4 1. The clerk shall keep a court calendar, and enter thereon
5 such matters as the court may prescribe.

6 2. The clerk shall charge and collect the following fees
7 court costs in connection with probate matters, ~~which shall be~~
8 ~~deposited in the account established under section 602.8108:~~

- 9 a. For services performed in short
10 form probates pursuant to sections
11 450.22 and 450.44.....\$ 15.00
- 12 b. For services performed in probate of
13 will without administration\$ 15.00
- 14 c. For filing and indexing a transcript.....\$ 50.00
- 15 d. For taking and approving a bond, or
16 the sureties on a bond\$ 20.00
- 17 e. For entering a rule or order\$ 10.00
- 18 f. For certificate and seal\$ 10.00
- 19 g. For making a complete record where
20 real estate is sold . per 100 words\$.20
- 21 h. For making a transcript or copies of
22 orders or records filed in
23 the clerk's office .. per 100 words\$.50
- 24 i. For certifying change of title\$ 20.00
- 25 j. For issuing commission to
26 appraisers\$ 2.00
- 27 ~~k. For other services performed in the settlement of the~~
28 ~~estate of any decedent, minor, person with mental illness, or~~
29 ~~other persons laboring under legal disability, except where~~
30 ~~actions are brought by the administrator, guardian, trustee,~~
31 ~~or person acting in a representative capacity or against that~~
32 ~~person, or as may be otherwise provided herein, where the value~~
33 ~~of the personal property and real estate of such a person falls~~
34 ~~within the following indicated amounts, the fee opposite such~~
35 ~~amount shall be charged.~~

1 ~~(1) Up to \$3,000.00 5.00~~
 2 ~~(2) 3,000.00 to 5,000.00 10.00~~
 3 ~~(3) 5,000.00 to 7,000.00 15.00~~
 4 ~~(4) 7,000.00 to 10,000.00 20.00~~
 5 ~~(5) 10,000.00 to 15,000.00 25.00~~
 6 ~~(6) 15,000.00 to 25,000.00 30.00~~
 7 ~~(7) For each additional \$25,000.00 or~~
 8 ~~major fraction thereof 50.00~~
 9 ~~1. For services performed in small~~
 10 ~~estate administration 15.00~~
 11 3. a. The fee set forth in subsection 2, paragraph
 12 ~~"k", shall not be charged on any property transferred to a~~
 13 ~~testamentary trust from an estate that has been administered~~
 14 ~~in this state and for which court costs have been assessed and~~
 15 ~~paid. For other services performed in a decedent's estate~~
 16 ~~administered under this chapter or chapter 635, the clerk shall~~
 17 ~~charge and collect court costs equal to two-tenths of one~~
 18 ~~percent of the value of the probate assets listed in the report~~
 19 ~~and inventory.~~
 20 b. Court costs shall not be charged or collected under this
 21 subsection on assets which are not probate assets including but
 22 not limited to the following:
 23 (1) Joint tenancy property.
 24 (2) Property transferred during the decedent's lifetime.
 25 (3) Life insurance, annuities, individual retirement
 26 accounts, retirement plans, transfer on death accounts, payable
 27 on death accounts, and similar assets payable to beneficiaries
 28 other than the estate of the decedent.
 29 (4) Real estate not located in Iowa.
 30 c. Court costs shall not be charged or collected on assets
 31 transferred to an estate from a conservatorship that has been
 32 administered in the state and for which court costs have been
 33 charged and collected from the conservatorship under subsection
 34 4.
 35 4. For other services performed in a conservatorship, the

1 clerk shall charge and collect court costs equal to two-tenths
2 of one percent of the gross value of the assets listed in the
3 inventory minus the value of the life insurance.

4 5. Court costs collected under this section shall be
5 deposited in the account established under section 602.8108.

6 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
7 2022.

8 Sec. 3. APPLICABILITY. This Act applies to
9 conservatorships, court-administered trusts, guardianships, and
10 estates of decedents for which the petition is filed and other
11 probate matters where filings are made and actions are taken
12 on and after January 1, 2022.

13 EXPLANATION

14 The inclusion of this explanation does not constitute agreement with
15 the explanation's substance by the members of the general assembly.

16 This bill relates to the court costs the clerk of probate
17 court charges and collects in connection with probate matters.
18 Under current law, Code section 633.31(2)(k) provides a
19 sliding scale fee for services performed in connection with the
20 settlement of an estate based upon the value of the estate.
21 The bill provides that for services performed in a decedent's
22 estate administered under Code chapter 633 or Code chapter
23 635 that the clerk of court shall charge and collect court
24 costs based on the probate assets listed in the report and
25 inventory. The bill provides that the court costs charged on
26 the value of those assets shall be .2 percent of the value of
27 the probate assets. The bill provides that court costs shall
28 not be charged or collected on assets that are not probate
29 assets and identifies what is not a probate asset, which
30 include but are not limited to joint tenancy property; property
31 transferred during the decedent's lifetime; life insurance,
32 annuities, individual retirement accounts, retirement plans,
33 transfer on death accounts, payable on death accounts, and
34 similar assets payable to beneficiaries other than the estate
35 of the decedent; and real estate not located in Iowa. The bill

1 provides that court costs shall not be charged or collected on
2 assets transferred to an estate from a conservatorship that has
3 been administered in the state and for which court costs have
4 been charged and collected in the conservatorship.

5 The bill provides that the clerk shall charge and collect
6 court costs for services performed in a conservatorship based
7 on the gross value of the assets listed in the inventory minus
8 the value of the life insurance. The bill provides that the
9 court costs charged on the value of those assets shall be .2
10 percent of the value of the assets.

11 The bill takes effect January 1, 2022. The bill applies to
12 conservatorships, court-administered trusts, guardianships, and
13 estates of decedents for which the petition is filed and other
14 probate matters where filings are made and actions are taken
15 on and after January 1, 2022.